

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

MIREYA MELENDEZ HERNANDEZ,  
*individually and on behalf of others similarly  
situated,*

*Plaintiff,*

-against-

TIA JULIA FOOD CORP. (D/B/A TIA  
JULIA COMIDA TIPICA MEXICANA),  
ARTURO HERNANDEZ, and MARIA  
LOURDES XOGOYOTL,

*Defendants.*

Docket No.: 21-cv-04262 (MKB) (RLM)

**STIPULATION OF DISMISSAL  
WITH PREJUDICE**

**WHEREAS**, Plaintiff Mireya Melendez Hernandez (“Plaintiff”), filed a Complaint asserting claims for, *inter alia*, the failure to pay minimum wages, overtime compensation, and spread of hours pay under the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* (“FLSA”), the New York Labor Law §§ 190 *et seq.* and 650 *et seq.* (“NYLL”), and applicable regulations; and

**WHEREAS**, Plaintiff and Defendants, Tia Julia Food Corp. (d/b/a Tia Julia Comida Tipica Mexicana), Arturo Hernandez, and Maria Lourdes Xogoyotl (“Defendants”) (collectively with Plaintiff, the “Parties”), reached a settlement of this action and Plaintiff’s claims through arms-length negotiations, and have entered into a Settlement Agreement and Release (the “Agreement”), formally memorializing the Parties’ settlement; and

**WHEREAS**, the terms of the Agreement, which are incorporated herein by reference, have been reviewed and scrutinized by the Court and are approved and considered a fair and reasonable resolution of, *inter alia*, a bona fide dispute over provisions of the FLSA, NYLL, WTPA, and applicable regulations;

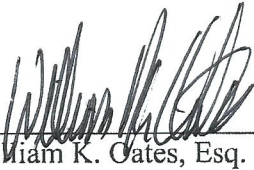
**IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned counsel for the Parties, that this action be hereby dismissed and discontinued in its entirety, with prejudice, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure.

IT IS FURTHER STIPULATED AND AGREED, that this Stipulation may be executed in counterparts with scanned PDF, electronic, or facsimile signatures treated as originals.

CSM LEGAL, P.C.

WARSHAW BURSTEIN, LLP

By:



William K. Oates, Esq.  
60 East 42<sup>nd</sup> Street, Suite, 4510  
New York, New York 10165  
(212) 317-1200  
[woates@esm-legal.com](mailto:woates@esm-legal.com)  
*Attorneys for Plaintiff*

By: *Felicia S. Ennis*

Felicia S. Ennis, Esq.  
575 Lexington Avenue, 7<sup>th</sup> Fl.  
New York, New York 10022  
Tel.: (212) 984-7753  
[FEnnis@wbny.com](mailto:FEnnis@wbny.com)  
*Attorneys for Defendants*

SO ORDERED:

**/s/ Roanne L. Mann 6/16/22**

HON. ROANNE L. MANN, U.S.M.J.